

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Grabowski, et al. : Paper No:
Serial No. 10/776,797 : Group Art Unit: 1632
Filed: February 11, 2004 : Examiner: Shen, Wu Cheng Winston
For: **LIPID HYDROLYSIS THERAPY FOR ATHEROSCLEROSIS AND
RELATED DISEASE**

REQUEST FOR REFUND

Confirmation No. 4885

VIA FACSIMILE (571-273-6500)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

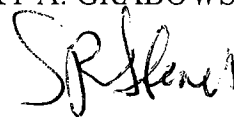
Dear Sir:

In response to the Notice of Improper Request for Continued Examination, dated April 24, 2009, we request that you grant us a refund in the amount of \$405, for the Request for Continued Examination which should not have been filed for this application.

The Commissioner for Patents is hereby authorized to credit this overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

GREGORY A. GRABOWSKI, et al.

By 

Stephen R. Albainy-Jenei
Registration No. 41,489
Attorney for Applicant(s)
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street

Serial No. 10/776,797

Cincinnati, Ohio 45202
(513) 651-6839
salbainyjenei@fbtlaw.com

CINLibrary 0010872.0522506 1970228v.1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

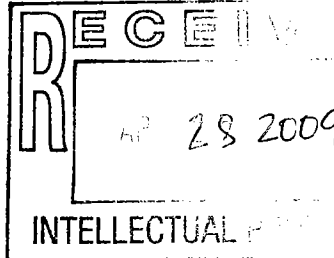
Alexandria, Virginia 22313-1450

www.uspto.gov


e

04/24/2009

FROST BROWN TODD LLC
2200 PNC Center
201 E. Fifth Street
Cincinnati, OH 45202-4182



Paper No.

Application No.: 10/776,797 	Date Mailed: 04/24/2009
First Named Inventor: Grabowski, Gregory,	Examiner: SHEN, WU CHENG WINSTON
Attorney Docket No.:	Art Unit: 1632
Confirmation No.: 4885	Filing Date: 02/11/2004

Please find attached an Office communication concerning this application or proceeding.

DOCKETED-IP

Initials

Date

FOT
4/28/09

Commissioner for Patents

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)	Application No. 10/776,797	Applicant(s) GRABOWSKI ET AL.	
		Art Unit 1600	Date Mailed:

The request for continued examination (RCE) under 37 CFR 1.114 filed on _____ is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☒ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☐ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☐ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date **on or after June 8, 1995** will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to

/MARISSA BLYTHER/, Technology Center 1600

Telephone Number: (571)272-0504

Electronic Patent Application Fee Transmittal

Application Number:	10776797			
Filing Date:	11-Feb-2004			
Title of Invention:	Gene-based lipid hydrolysis therapy for atherosclerosis and related diseases			
First Named Inventor/Applicant Name:	Gregory Grabowski			
Filer:	Stephen R. Albainy-Jenei/Linda Spore			
Attorney Docket Number:				
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				960

Electronic Acknowledgement Receipt

EFS ID:	4742774
Application Number:	10776797
International Application Number:	
Confirmation Number:	4885
Title of Invention:	Gene-based lipid hydrolysis therapy for atherosclerosis and related diseases
First Named Inventor/Applicant Name:	Gregory Grabowski
Correspondence Address:	FROST BROWN TODD LLC - 2200 PNC Center 201 E. Fifth Street Cincinnati OH 45202-4182 US (513)651-6800 -
Filer:	Stephen R. Albainy-Jenei/Linda Spore
Filer Authorized By:	Stephen R. Albainy-Jenei
Attorney Docket Number:	
Receipt Date:	05-FEB-2009
Filing Date:	11-FEB-2004
Time Stamp:	16:26:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$960

RAM confirmation Number	1925				
Deposit Account	062226				
Authorized User	ALBAINY - JENEI,STEPHEN				
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		10776797ResponseTo08052008OfficeAction.pdf	635425 d1974b8ffe0f298e0434c34b8a465f428be20498	yes	15
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Request for Continued Examination (RCE)	1	2		
	Amendment Submitted/Entered with Filing of CPA/RCE	3	3		
	Claims	4	6		
	Applicant Arguments/Remarks Made in an Amendment	7	14		
	Extension of Time	15	15		
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	31828 07c465c2a0ac176fa32031d63d8bd47202ed12220	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			667253		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.